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Approved For Release 2004/05/05 : CIA-RDP84B00890R000300030025-7

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Approved For Release 2004/05/05 : CIA-RDP84B00890R000300030025-7 71-0812

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

DD/A REGISTRY
FILE Legal

April 14, 1981

Mr. Max Hugel
Deputy Director for Administration
Central Intelligence Agency
Washington, D.C. 20505

Dear Max:

Enclosed is the bill I promised you. Please have your staff review and comment upon it as soon as possible, since the Senator wishes to introduce it.

Kindest personal regards.

Sincerely,



Tanya Metaksa
Legislative Director for
Senator Alfonse D'Amato

TM:pt
Enclosures

139710.074

97th CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. D'Amato introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To exempt certain matters relating to the Central Intelligence
Agency from the disclosure requirements of title 5, United
States Code.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled, That
3 (a) subsection (b) of section 552 of title 5, United States
4 Code, is amended--

5 (1) in paragraph (2), by inserting before the
6 semicolon at the end thereof the following: "other than
7 the Central Intelligence Agency or, in the case of the
8 Central Intelligence Agency, related to the internal
9 personnel rules and practices of such Agency or to the
10 training or reorientation of personnel of such Agency";

11 (2) in paragraph (6)--

12 (A) by inserting "of an agency other than the
13 Central Intelligence Agency" after "similar
14 files"; and

15 (B) by inserting before the semicolon at the end
16 thereof the following: "or, in the case of the
17 Central Intelligence Agency, any personnel, national,
18 or other similar files of such Agency (other than
19 personnel records the disclosure of which is
20 necessary for obtaining employment outside such

139710.074

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1 Agency)''.

2 (3) by amending paragraph (7) to read as follows:

3 ''(7) investigatory records compiled for law

4 enforcement or national intelligence purposes, but only

5 to the extent that the production of such records would--

6 ''(A) interfere with enforcement proceedings,

7 ''(B) deprive a person of a right to a fair trial
8 or an impartial adjudication,

9 ''(C) constitute an unwarranted invasion of
10 personal privacy,

11 ''(D) disclose the identity of a confidential
12 source and--

13 ''(i) in the case of a record compiled by a
14 criminal law enforcement authority in the course
15 of a criminal investigation, confidential
16 information furnished only by the confidential
17 source, or

18 ''(ii) in the case of a record compiled by an
19 agency conducting a lawful national security
20 intelligence investigation, confidential
21 information furnished by the confidential source,

22 ''(E) disclose investigative or national
23 intelligence techniques and procedures, including
24 intelligence techniques and procedures relating to
25 special activities, clandestine collection, or covert
26 operations of the Central Intelligence Agency, or

27 ''(F) endanger the life or physical safety of law
28 enforcement or national intelligence personnel:'';

29 (4) by striking out ''or'' at the end of paragraph
30 (3);

31 (5) by striking out the period at the end of
32 paragraph (9) and inserting in lieu thereof a semicolon;

33 (6) by inserting after paragraph (9) the following:

34 ''(10) related to special activities, clandestine

1 collection, or covert operations of the Central
2 Intelligence Agency; or

3 "(11) related to any internal operation, office
4 management, or organization of the Central Intelligence
5 Agency."; and

6 (7) by inserting before the period at the end of the
7 second sentence a comma and the following: "except that
8 no record of the Central Intelligence Agency shall be
9 provided to any such person if any portion of such record
10 is exempt under this subsection".

11 (b) Subsection (e) of section 552, title 5, United States
12 Code, is amended to read as follows:

13 "(e) For purposes of this section--

14 "(1) the term 'agency' as defined in section 551 (1)
15 of this title includes any executive department, military
16 department, Government corporation, Government controlled
17 corporation, or other establishment in the executive
18 branch of the Government (including the Executive Office
19 of the President), or any independent regulatory agency;

20 "(2) the term 'clandestine collection' means the
21 acquisition of intelligence information in ways designed
22 to assure the secrecy of the operation;

23 "(3) the term 'covert operations' includes
24 clandestine collection and special activities; and

25 "(4) the term 'special activities' means activities
26 conducted abroad in support of national foreign policy
27 objectives which are designed to further official United
28 States programs and policies abroad and which are planned
29 and executed so that the role of the United States
30 Government is not apparent or acknowledged publicly, and
31 functions in support of such activities, but not
32 including diplomatic activity or the collection and
33 production of intelligence or related support
34 functions.".